



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 818-00  
18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 27 February 1943 at the age of 19. Your record reflects that on 9 October 1943 you were convicted by summary court-martial (SCM) of five specifications of neglect of duty and sentenced to confinement on bread and water for 15 days and extra duty for a month.

Your record further reflects that on 23 November 1944 and again on 31 May 1945 you were received captain's mast for two periods of unauthorized absence (UA) totalling 10 days and being out of bounds without a pass.

Your record indicates that you were UA from 4 July to 11 October 1945, a period of 38 days. Your record does not indicate that any disciplinary action was taken for this period of UA. However, you trial by general court-martial was recommended for the foregoing offense.

Subsequently, you were processed for an administrative separation by reason of convenience of the government and your commanding

officer was directed to issue you a general discharge. On 7 November 1945 you were so discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.12. An average of 3.25 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth and immaturity and your contention that you deserve to have your discharge upgraded because of your contact with asbestos. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the seriousness of your frequent UAs, and your failure to achieve the required average in conduct. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director